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PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bybee et al.

Serial No.

10/626,466

Filed

July 24, 2003

Title

Art Unit

Specimen Carrier Transfer Apparatus for a Conveyor Track

PETITION UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents Washington, D.C. 20231

This is a Petition under 37 CFR 1.47(a) to file an application where a joint inventor refuses to sign or cannot be reached. In this case, four of the six joint inventors have not responded to a request to sign a Declaration and assignment for the application. Since the request was received by the non-signing inventors, the absence of a response is presumed by the applicants to be a refusal to sign. The pertinent facts and proof are as follows.

On October 21, 2003 a letter was sent to Tom Bybee, Dave Murphy, Steve Wright and Sheri Kime, four of the joint inventors in the above-identified patent application, requesting that they each sign a declaration for the application, and an assignment of the application. Copies of the letters are attached hereto. All of the inventors were employees of LAB-InterLink, Inc. at the time of the invention, but the four non-signing inventors have since been terminated from their positions, prior to the preparation of the patent application identified above.

The letter to Mr. Bybee was delivered to Mr. Bybee on October 23, 2003, as indicated in the copy of the Return Receipt, attached to the copy of the letter.

130.00 DP

The letters to Dave Murphy, Steve Wright and Sheri Kime were all delivered on October 22, 2003, as noted in the attached tracking notices for each of the letters. It is also noted in each letter that a failure to respond to the requests by October 31, 2003 would be presumed to indicate an unwillingness to sign. As of the date of this Petition, none of the four non-signing inventors have agreed to sign the Decalaration.

The remaining joint inventors hereby petition the Patent Office to receive and prosecute the above patent application on behalf of the non-signing inventors, in accordance with the provisions of 37 CFR 1.47(a). This Petition is accompanied by the requisite fee of \$130.00 under 37 CFR 1.17(h). The addresses of the non-signing inventors are as follows:

Thomas L. Bybee 10285 Grand Ave. Omaha, NE 68134

Dave Murphy
Box 83
Goodwood, Ontario
Canada L0C 1A0

Sheri Kime 2000 Bensfort Road RR#6 Peterborough, Ontario Canada K9J 6X7

Steve Wright 159 Fife's Bay Road Peterborough, Ontario Canada K9J 6X2

It is believed that the requirements of 37 CFR 1.47(a) have been met, and it is therefore requested that this Petition be granted.

If any further information is required to expedite this process, please feel free to contact the undersigned.

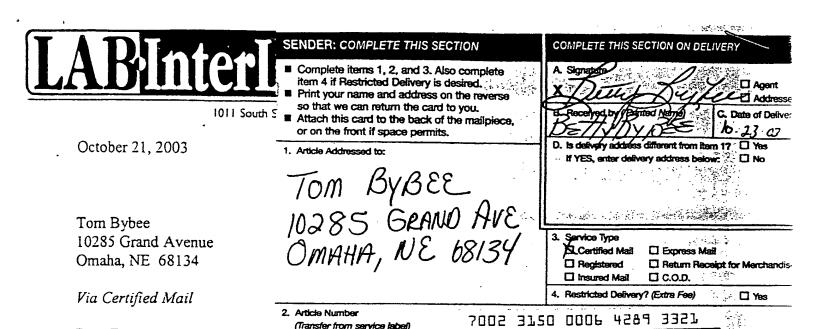
Respectfully submitted,

Serry R.M.m.ne

George R. Nimmer Registration No. 21,004

Attorney of Record

PO Box 252 Omaha, NE 68101-0252 (402) 393-0151



You have been identified as an original involude for the pending paterness made octow, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

Domestic Return Receipt

- Specimen Carrier Transfer Apparatus for a Conveyor Track
- Transfer and Positioning Apparatus for Automated Conveyor System

PS Form 3811, August 2001

Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated. and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely

Dear Tom:

aux Russell Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com

Production Facility: 8950 | Street Omaha, Nebraska 68127 402-331-2082 Fax: 402-331-2083

LAB-InterLink Canada: 2015 Fisher Drive Peterborough, Ontario K9J 7A2 800-661-5229 705-876-1220 Fax: 705-876-1499

Lab-Interlink Europe: I , Halamish Street Hod Hasharon 45502 Israel +972 9744 6926 Fax: +972 9744 6818

102595-02-M-15



- 1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-2951

October 21, 2003

Dave Murphy Box 83 Goodwood, Ontario Canada LOC 1A0

Via Certified Mail

Dear Dave:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely,
Maria Russell

Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

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Oct 22, 2003	11:59 P.M. 6:05 P.M.	CONCORD, ON, CA CONCORD, ON, CA	DEPARTURE SCAN P.O. BOX, NOT DELIVERED; ADDRESS CORRECTED, DELIVERY RESCHEDULED
Oct 21, 2003	4:31 P.M. 5:13 A.M. 4:57 A.M. 3:33 A.M. 12:56 A.M. 12:30 A.M. 9:50 P.M. 8:49 P.M. 8:19 P.M. 7:53 P.M. 2:53 P.M.	CONCORD, ON, CA MOUNT HOPE, ON, CA MOUNT HOPE, ON, CA LOUISVILLE, KY, US LOUISVILLE, KY, US COMAHA, NE, US COMAHA, COMAH	NO SUCH STREET, NOT DELIVERED IMPORT SCAN ARRIVAL SCAN DEPARTURE SCAN EXPORT SCAN ARRIVAL SCAN DEPARTURE SCAN ARRIVAL SCAN DEPARTURE SCAN ORIGIN SCAN PICKUP SCAN BILLING INFORMATION RECEIVED

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October 21, 2003

Steve Wright 159 Fife's Bay Road Peterborough, Ontario Canada K9J 6X2

Via Certified Mail

Dear Steve:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find an Assignment document for the following patent application(s):

• Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday. October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely.

Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com





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PETERBOROUGH, CA K93 # Oct 21, 2003

Tracking Number: 12 3E4 73V 66 9361 924 0 **Reference Number(s):** 3E473VTKQ33 [♣] Service Type:

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Oct 22, 2003	1:34 P.M.	PETERBOROUGH, ON, CA	DELIVERY
•	8:21 A.M.	CONCORD, ON, CA	OUT FOR DELIVERY
	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
Oct 21, 2003	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:54 P.M.	OMAHA, NE, US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
	10:39 A.M.	us	BILLING INFORMATION RECEIVED

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1011 South Saddle Creek Road • Omaha, Nebraska 68106 • USA • 402-595-3767 • 800-449-2527 • Fax: 402-595-295;

October 21, 2003

Sheri Kime 2000 Bensfort Road RR#6 Peterborough, Ontario Canada K9J 6X7

Via Certified Mail

Dear Sheri:

You have been identified as an original inventor for the pending patent(s) listed below, therefore, enclosed please find Declaration and Assignment documents for the following patent application(s):

Two-Axis Robot for Specimen Transfer

In order to proceed with the patent application process, we are in need of your regular signature on each enclosed Declaration document, as well as your notarized signature on each enclosed Assignment document. Please sign the enclosed document(s), in the presence of a notary public as indicated, and return the document(s) to me in the enclosed envelope no later than Friday, October 31, 2003. If we do not receive the enclosed document(s) back by the established deadline, we will presume that you are unwilling to sign them.

If you have any questions, please feel free to contact me. Thank you for your assistance and cooperation.

Sincerely, Maria Mussell

Maria Russell

Director, Administration

LAB-InterLink, Inc.

1011 S. Saddle Creek Road

Omaha, NE 68106

Phone: 402-595-3767 ext. 2847

Fax: 402-595-1375

Email: mrussell@labinterlink.com





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	8:19 A.M.	CONCORD, ON, CA	ARRIVAL SCAN
	6:50 A.M.	MOUNT HOPE, ON, CA	DEPARTURE SCAN
	5:19 A.M.	MOUNT HOPE, ON, CA	IMPORT SCAN
	4:57 A.M.	MOUNT HOPE, ON, CA	ARRIVAL SCAN
	3:33 A.M.	LOUISVILLE, KY, US	DEPARTURE SCAN
	12:56 A.M.	LOUISVILLE, KY, US	EXPORT SCAN
	12:30 A.M.	LOUISVILLE, KY, US	ARRIVAL SCAN
Oct 21, 2003	9:50 P.M.	OMAHA, NE, US	DEPARTURE SCAN
331 32, 2333	8:49 P.M.	OMAHA, NE, US	ARRIVAL SCAN
	8:19 P.M.	OMAHA, NE, US	DEPARTURE SCAN
	7:53 P.M.	OMAHA, NE. US	ORIGIN SCAN
	2:53 P.M.	OMAHA, NE, US	PICKUP SCAN
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